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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,716	12/21/2001	Takayuki Hatase	MAT-8213US	5800

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EXAMINER

HERNANDEZ, NELSON D

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/036,716

Applicant(s)

HATASE ET AL.

Examiner

Nelson D. Hernandez

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/12/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Examiner acknowledges the amendments made on the claims received on May 12, 2005. Claims 1, 3 and 4 have been amended and claims 2 and 5-8 have been cancelled.

### *Specification*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Response to Arguments*

3. Applicant's arguments with respect to claims 1, 3 and 4 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikurumi, US Patent 6,081,613 in view of Wilder, US Patent 5,262,871.

Regarding claim 1, Ikurumi discloses an image reading device (Fig. 1) for reading an optical image of a plurality of components using a camera having pixels arrayed in a line (Fig. 1: 3), the image reading device comprising: a relative-moving mechanism (Fig. 1: 11) for moving the plurality of components relative to the camera; a relative-

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movement detector (encoder in fig. 1: 4) for 1) detecting the plurality of components moving a given distance in one direction relative to the camera (Col. 5, lines 7-54) but does not explicitly disclose a pixel-selecting section for accessing the pixels individually and outputting an image signal; a processing-computing section for 1) setting a plurality of image taken-in areas based on mounting data and component data, 2) outputting pixel-selecting information for selecting pixels individually from among the pixels, based on widths of the respective image-taken-in areas, and 3) setting respective start and stop timing of the image signal; that the relative-movement detector (encoder in fig. 1: 4) for 1) detects the plurality of components moving a given distance in one direction relative to the camera by comparing position information from the relative-moving mechanism with each of the respective taken-in areas to determine whether each of the components is within the taken-in area and 2) providing a movement-detecting signal; and a controller for controlling said pixel-selecting section based on the pixel-selecting information and outputting a pixel signal supplied from the pixel specified by the pixel-selecting information when said relative-movement detector receives the movement detecting signal.

However, Mogi discloses an image scanner that detects the area of the objects being scanned and based on said area the scanner sets a start and a stop position of scanning area, also teaches that the image sensor will capture only the area of the object being placed on the scanner (As shown in fig. 2, the scanner measures the area of scanning for capturing an image of the object), the scanner will select the pixel to scan the object based on the pixel selecting information when reaching certain position

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(start position) to start scanning the object and to turn-off the selected pixels when reaching certain position (stop position) (See patent abstract and figures 1-6).

Therefore, taking the combined teaching of Ikurumi in view of Mogi as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ikurumi by having a pixel-selecting section for accessing the pixels individually and outputting an image signal; a processing-computing section for setting a plurality of image taken-in areas based on mounting data and component data, outputting pixel-selecting information for selecting pixels individually from among the pixels, based on widths of the respective image-taken-in areas, and setting respective start and stop timing of the image signal; having the relative-movement detector (encoder in fig. 1: 4) for detecting the plurality of components moving a given distance in one direction relative to the camera by comparing position information from the relative-moving mechanism with each of the respective taken-in areas to determine whether each of the components is within the taken-in area and providing a movement-detecting signal; and a controller for controlling said pixel-selecting section based on the pixel-selecting information and outputting a pixel signal supplied from the pixel specified by the pixel-selecting information when said relative-movement detector receives the movement detecting signal. The motivation to do so would have been to help the image-reading device to minimize the amount of data being captured in order to consume less memory and to speed-up processing the captured images.

**Regarding claim 3,** Ikurumi discloses a linear CCD camera but does not explicitly disclose said linear CCD camera having a photoelectric transfer element.

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However, Official Notice is taken that the use of photoelectric transfer elements on CCD sensors is notoriously well known in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the linear CCD with photoelectric transfer elements with the motivation of reading out the signal charges out of the linear CCD camera.

**Regarding claim 4**, the combined teaching of Ikurumi in view of Mogi as applied to claim 1 teaches an apparatus for performing the same method as claimed. Therefore, grounds for rejecting claim 1 apply here.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:00 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez  
Examiner  
Art Unit 2612

NDHH  
July 23, 2005

  
THAI TRAN  
PRIMARY EXAMINER